

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M10-0087

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UNITED STATES OF AMERICA

AFFIDAVIT IN SUPPORT
SUPPORT OF ARREST
WARRANT

- against -

MIGUEL ANGEL VARGAS-CORDON,

(8 U.S.C. §
1324(a)(1)(A)(ii);
18 U.S.C. § 2423)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

THOMAS KIRWIN, being duly sworn, deposes and states that he is a Special Agent with Department of Homeland Security Immigration and Customs Enforcement, duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that on or about and between August 28, 2009 and December 31, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL VARGAS-CORDON knowingly and intentionally transported an individual who had not obtained the age of 18 years in foreign and interstate commerce with intent that such individual engage in sexual activity for which any person could be charged with a criminal offense.

(Title 18, United States Code, Sections 2423(a)).

Upon information and belief, there is probable cause to believe that in or about and between August 2009 and December 2009, within the Eastern District of New York and elsewhere, the

defendant MIGUEL ANGEL VARGAS-CORDON, together with others, knowing and in reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, did knowingly and intentionally transport and move such alien within the United States by means of transportation in furtherance of such violation of law.

(Title 8, United States Code, Section 1324(a)(1)(A)(ii)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

Introduction

1. I have been a Special Agent with Department of Homeland Security Immigration and Customs Enforcement ("ICE") since July 2009. I am the ICE case agent in this matter and am familiar with the facts of this case through my interviews of witnesses, review of records, and discussions with other law enforcement officers.

Probable Cause

2. On or about January 19, 2010, ICE received information from an anonymous source indicating that a female minor from Guatemala ("Jane Doe") was living with her maternal

^{1/} Because the purpose of this Affidavit is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware. In addition, when I rely on statements made by others, such statements are set forth in part and in substance unless otherwise indicated.

uncle, identified as "Miguel Angel Vargas," either in Brooklyn, New York or Lakewood New Jersey, and that the uncle might be engaging in inappropriate sexual conduct with Jane Doe.

3. ICE records indicate that Jane Doe is a 16-year old girl from Guatemala, who had been intercepted by Customs and Border Protection ("CBP") officers at the U.S.-Mexico border on or about August 28, 2009. Jane Doe was thereafter placed into ICE custody as an unaccompanied alien minor.^{2/}

4. On or about January 21, 2010, ICE agents administratively arrested the defendant MIGUEL ANGEL VARGAS-CORDON based on his illegal status in the United States. The defendant was found in the basement of a house in Brooklyn, New York, which was one of the addresses provided for the defendant by the anonymous source. At the time of his arrest, the defendant and another male individual were performing construction work at that location. Jane Doe was present in the basement at that time.

5. The owner of the house stated to ICE agents, in part and substance, that the defendant and the other male worker had been providing construction services at that location for approximately two weeks and that the owners had allowed the

² Unlike adult aliens, minor aliens ordinarily are not placed into secure facilities, but rather into group or foster homes, from which the minor is free to come and go. Minors who reside in these homes engage in normal activities such as attending school.

defendant, his niece (Jane Doe) and the other worker to sleep in the basement, as needed, during the week. At the time of the arrest, there was only one twin mattress in the basement.

Jane Doe's Statements

6. On or about January 21, 2010, ICE agents interviewed Jane Doe. During that interview, she stated, in part and substance, that:

- a. The defendant is her maternal uncle.
- b. She saw the defendant in Guatemala in November 2008, and they began a sexual relationship in January 2009.
- c. The defendant returned to the United States thereafter.
- d. In approximately August 2009, she spoke by telephone to the defendant in the United States, and the defendant told her that he would arrange for her to be smuggled into the United States.
- e. Later in August 2009, Jane Doe was smuggled from Guatemala to the U.S.-Mexico border, but was stopped by CBP officers when she tried to cross into the United States through a pedestrian point of entry. While in ICE custody in California, Jane Doe contacted the defendant by telephone and told him, in substance, that she had been arrested by immigration officers.

f. She was later placed into a foster home in Virginia. While there, she called the defendant and told him where she was located.

g. In or about December 2009, the defendant picked Jane Doe up from the foster home in Virginia and drove her to New York City.

h. Since arriving in New York, Jane Doe has had sexual intercourse with the defendant on more than one occasion.

Defendant's Statements

7. On or about January 21, 2010, following his administrative arrest, the defendant was Mirandized and agreed to waive his rights and speak to the agents. During that interview, the defendant stated, in part and substance, that:

a. He is Jane Doe's uncle, and believes that she is 16 years old.

b. He began a sexual relationship with Jane Doe in Guatemala during his last visit there between November 2008 and April 2009. During their sexual encounters, they had unprotected sex because Jane Doe was taking birth control pills.

c. He returned to the United States illegally in April 2009. The defendant first entered the United States illegally in 1997, and thereafter left and re-entered the United States multiple times.

d. The defendant paid a smuggler \$6,000 to smuggle Jane Doe into the United States.

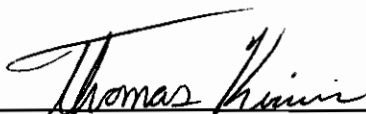
e. In August 2009, Jane Doe called the defendant stating, in substance, that she had been caught by immigration authorities and was being detained in California. Later, Jane Doe called him again stating that she was now in a foster home in Virginia.

f. On December 29, 2009, the defendant and a friend drove to the foster home in Virginia, picked up Jane Doe and brought her to Brooklyn.

g. On December 30, 2009, as soon as the defendant and Jane Doe arrived in Brooklyn, the defendant had sexual intercourse with her in the basement of the house where he was arrested on January 21, 2010.

h. The defendant had sexual intercourse with Jane Doe four times in Brooklyn, the most recent being two days before his arrest.

WHEREFORE, your deponent respectfully requests that a warrant issue for the arrest of the defendant MIGUEL ANGEL VARGAS-CORDON so that he may be dealt with according to law.



THOMAS KIRWIN
Special Agent
Immigration and Customs Enforcement

Sworn to before me this
26 day of January, 2010

DGE
K
